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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

----- X
J & S PRODUCE, INC.,

Case No. 08 CV 5930

Plaintiff,

DONG IL KIM, HERA KIM, ANDY HAJIYEROU,

Defendants.

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DECLARATION OF MARK S. LICHTENSTEIN

1. I am the attorney of record for plaintiff J & S Produce, Inc. ("Plaintiff"), and have personal knowledge of the facts set forth in this declaration.
2. On December 2, 2008, Plaintiff filed a complaint against defendants Dong Il Kim, Hera Kim and Andy Hajiyeou. Dong Il Kim and Hera Kim are referred to as the Defendants.
3. Examination of the Court files and record in this case shows that defendant Dong Il Kim ("D. Kim") was served with the summons and complaint on January 16, 2009.
4. Examination of the Court files and record in this case shows that defendant Hera Kim ("H. Kim") was served with the summons and complaint on January 16, 2009.

5. Examination of the Court files and record in this case shows that defendant Andreas Hajiyerou s/h/a Andy Hajiyerou was served with the summons and complaint on December 15, 2008.

6. Examination of the Court files and record in this case shows that defendant Andreas Hajiyerou s/h/a Andy Hajiyerou responded to Plaintiff's complaint by filing an Answer and Cross-Claim on December 29, 2008.

7. More than twenty (20) days have elapsed since the dates on which D. Kim and H. Kim were served with the summons and a copy of the complaint.

8. D. Kim and H. Kim have failed to answer or otherwise defend as to Plaintiff's complaint.

9. This declaration is executed by me in accordance with Rule 55(a) of the Federal Rules of Civil Procedure, for the purpose of enabling the Plaintiff to obtain an entry of default against D. Kim and H. Kim for their failure to answer or otherwise defend as to the Plaintiff's complaint.

Dated: February 12, 2009

/s/ Mark S. Lichtenstein
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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

----- X
J & S PRODUCE, INC.,

Case No. 08 CV 5930

Plaintiff,

-against-

**CLERK'S CERTIFICATE OF
DEFAULT**

DONG IL KIM, HERA KIM, ANDY HAJIYEROU,

Defendants.

----- X
I, William T. Walsh, Clerk of the Court of the United States District Court for the District of New Jersey, DO HEREBY CERTIFY that the defendants DONG IL KIM and HERA KIM, have failed to plead or otherwise defend as provided by the Federal Rules of Civil Procedure, and have not filed an answer or otherwise moved with respect to the complaint herein. The default of defendants DONG IL KIM and HERA KIM is hereby noted pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Dated: New York, New York
February __, 2009

WILLIAM T. WALSH

Clerk of Court

By _____
Deputy Clerk